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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Defendant Universal Life Church Monastery Storehouse, Inc.se, Inc.
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Submission	Motion to Strike
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE  
MINISTRIES,

Opposer,

v.

UNIVERSAL LIFE CHURCH  
MONASTERY STOREHOUSE, INC.

Applicant.

Opposition No. 91237315

MOTION TO STRIKE OPPOSER'S  
PARTIAL AMENDMENT TO ITS  
NOTICE OF OPPOSITION

Applicant Universal Life Church Monastery Storehouse, Inc. ("Applicant") hereby moves to strike Opposer's Partial Amendment to its Notice of Opposition (Dkt. No. 8) ("Opposer's Amendment") from consideration by the Board for failure to comply with Fed. R. Civ. P. 15. "Amendments to pleadings in inter partes proceedings before the Board are governed by Fed. R. Civ. P. 15." T.B.M.P. § 507.01; *see also* 37 C.F.R. § 2.107. Under Fed. R. Civ. P. 15(a)(1), Opposer is allowed to amend its pleading as a matter of course within **(A)** twenty-one days of serving it, or **(B)** twenty-one days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. In this case, neither condition applies.

Opposer served its Notice of Opposition (Dkt. No. 1) on October 18, 2017, and Applicant served its responsive pleading (Dkt. No. 4) on November 27, 2017. Opposer filed and served Opposer's Amendment (Dkt. No. 8) on April 4, 2018, many months after the Notice of

Opposition and Applicant's responsive pleading were served. Applicant has not served any motion under Rule 12(b), (e), or (f). Accordingly, Opposer is not entitled to amend its notice of opposition as a matter of course. *See* Fed. R. Civ. P. 15(a)(1).

Rather, if Opposer wishes to amend its Notice of Opposition it may do so "only with the opposing party's written consent or the [Board's] leave." *See* Fed. R. Civ. P. 15(a)(2). Opposer has neither sought nor obtained Applicant's consent nor leave from the Board to amend its Notice of Opposition. Accordingly, the purported Opposer's Amendment has been filed improperly, in violation of Fed. R. Civ. P. 15, and Applicant moves to strike the purported amendment from consideration.

DATED: April 18th, 2018

Respectfully submitted:

MATESKY LAW<sup>PLLC</sup>

s/ Michael P. Matesky, II/

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Attorney for Applicant

### **CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing on Opposer's counsel of record by email transmission to [nancy.stephens@foster.com](mailto:nancy.stephens@foster.com), pursuant to Trademark Rule § 2.119(b), 37 C.F.R. § 2.119(b).

Dated: April 18th, 2018

s/ Matt Kostoulakos/  
Matt Kostoulakos/